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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,621	09/30/2003	Manoj Modi	111855.00004	7934

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EXAMINER

CHEN, TE Y

ART UNIT	PAPER NUMBER
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2161

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/676,621

Applicant(s)

MODI, MANOJ

Examiner

Susan Y. Chen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.                                                |

## **DETAILED ACTION**

Claims 1-26 are presented for examination.

### ***Specification***

The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### ***Claim Objections***

Claims 3 and 13, are objected to because of the following informalities:

As to claims 3 and 13, there is a typo in the claims, the phrase "ones of the portfolio" should be changed to "one of the portfolios".

### ***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

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A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1, 9, 19 and 25 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 9, 15 and 22 of the copending Application No. 10/677,037. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1, 9, 19 and 25 of instant application merely repeat features of claims 1, 9, 15 and 22 in the '037 copending application, except that the instant application recited few intended details of compiling a portfolio to provide the real property data as collateral in a loan package to be accessed by a lender.

Since the difference of the claimed subject matters in scope is conventional and well known in the database art, For example, see Kramer et al. [U.S. Patent No. 6,327,574; the personal finance software, loan applications, etc. as a collateral accessible to a user's (including lender's) computer at col. 5, lines 28 – col. 6, lines 7; the profiling technique at col. 10, lines 25-45]. Hence, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to be motivated to modify the '037 application with the well-know compiling technique to create a portfolio for providing the real property data as collateral in a loan package to facilitate a lender

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accessing the portfolio, since by doing so, it would have been a prima facie obvious in view of the above noted claims of '037 invention.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 9-12, 19-20 and 25-26, are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,327,574 issued to Kramer et al. (hereinafter referred as Kramer).

As to claims 1, 9, 19 and 25, Kramer discloses a computer system for managing real property which has means and methods as claimed by applicant, comprising:

providing a website [e.g., the third party servers 602, Fig. 6 and associated texts];

storing real property information from a portfolio of real properties on a central database [e.g., the Generic TIC databases at col. 10, lines 25-45];

providing a set of real properties from the portfolio of real properties to be offered as collateral in a loan package [e.g., the personal finance software, loan applications, etc. collected and customized into profiles to a lender's computer at col. 5, lines 51 – 61; the profiling technique at col. 10, lines 25-45];

providing access to the real property information related to the set of real properties to a consumer-specific application through the website; wherein the consumer-specific application makes selection to view the real property information which is retrieved from the central database [e.g., the Illumination and Interpretation section starting at col. 5 at seq.; col. 16, lines 24-58] ; and

displaying the real property information as selected by the lender on the website [e.g., the use of a browser to display the customized World Wide Web pages as selected by the lender on the website via URL technique at col. 8, lines 15 – 40; the Illuminations server at col. 18, lines 38 – 42].

As to claims 2, 10-12, 20 and 26, Kramer further discloses the following:

providing access to a second set of real properties from a portfolio of real properties, wherein the second user makes selections through website to view the real property information which is retrieved from the control database [e.g., the use of special tags to locate a second set of real properties via website annotation using the URL technique at col. 8, lines 24-40];

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accessing the real property information included in the second set from the central database through a communication network [e.g., the use of browser to access the set of Customized WWW pages over Internet, Fig. 6 and associated texts]; and displaying the real property information for a user operating a computer system remote from the central database [e.g., col. 15, lines 63 – col. 16, lines 22; Fig. 6 and associated texts].

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,327,574 issued to Kramer et al. (hereinafter referred as Kramer) and in view of U.S. Patent No. 4,722,055 issued to Roberts.

As to claims 3 and 13, Kramer further discloses the following:

determining a valuation of each of the portfolio of real properties [e.g., the TIC interpretation model processing, col. 5, lines 30- col. 6, line 7; Fig. 7 and associated texts].

Kramer did not specifically disclose the selecting ones of the portfolio of real properties to form the set of real properties such that a total valuation of the set of real properties is sufficient for the loan package.

However, Roberts discloses a system has methods to select one of the portfolios of real properties to form the set of real properties such that a total valuation of the set of real properties is sufficient for the loan package [e.g., col. 7, lines 6-22; Fig.(s) 1-3 and associated texts].

Kramer and Roberts are both in the same field of endeavor to compile real property information via dynamic managed a loan portfolio, hence, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify Kramer's method with the teachings disclosed by Roberts for the purpose to select one of the portfolios of real properties to form the set of real properties such that the combined method would facilitate a total valuation of the set of real properties that is sufficient for the loan package managed by a program manager (or a lender), because by doing so, the combined methods would have been a prima facie obvious in view of Roberts as discussed above.

***Claim Rejections - 35 USC § 103 (continue)***

Claims 4-8, 14-18 and 21-24, are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,327,574 issued to Kramer et al. (hereinafter referred as Kramer) and in view of U.S. Publication 2004/0133493 issued to Ford et al. (hereinafter referred as Ford).



As to claims 4, 14 and 21, Kramer did not specifically disclose the method for providing a log-in code to the lender, wherein the log-in code limits the lender to view the real property information related to the set of real properties.

However, Ford discloses a method to provide a log-in code to the lender, wherein the log-in code limits the lender to view the real property information related to the set of real properties [e.g., page 4, section 0034].

Kramer and Ford are both in the same field of endeavor to compile real property information via dynamic managed a loan portfolio, hence, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify Kramer's method with the teachings disclosed by Ford for provide a log-in code to the lender, such that the log-in code would limit the lender to view the authenticated real property information related to the set of real properties, because by doing so, the combined methods would have been a prima facie obvious in view of Ford as discussed above.

As to claims 5, 15 and 22, the combined methods of Kramer and Ford further discloses the following:

providing search selections for the lender to search based on attributes of the set of real properties [e.g., Kramer: col. 15, lines 22-62].

As to claims 6, 16 and 23, the combined methods of Kramer and Ford further discloses the following:

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providing a summary of search results for a plurality of real properties when search selections match more than one real property [e.g., Kramer: col. 19, lines 52-57].

As to claims 7, 17 and 24, the combined methods of Kramer and Ford further discloses the following:

displaying only a first portion of the real property information related to the set of real properties which is approved for lender viewing [e.g., Ford: page 4, section 0034].

As to claims 8 and 18, Kramer further discloses the following:

adding a second portion of real property information to that approved for lender viewing upon receiving a request from the lender for the second portion of real property information [e.g., Ford: page 4, section 0034].

### ***Conclusion***

To expedite the process of re-examination, the examiner requests that all future correspondences in regard to overcoming prior art rejections or other issues set forth by the Examiner prior to the office action, that applicant should provide and link to the most specific page and line numbers of the disclosure where best support is found (see 35 U.S.C. 132).

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Klivington et al. (U.S. Pub. No. 2003/0187756) which discloses a electronic realty transaction automates real estate processes and provides web-Based accessibility to residential, commercial and land markets;

Murray (U.S. Patent No. 6,694,329) which discloses a system for organizing information into a concept network to facilitate the creation and sharing of knowledge.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Y. Chen whose telephone number is 571-272-4016. The examiner can normally be reached on Monday - Friday from 7:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Susan Y Chen

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Examiner  
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March 26, 2006



**UYEN LE**  
**PRIMARY EXAMINER**